

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-145

RASHID ABDULLAH SALAHUDDIN,

Ct. of Appeals No. 09-2264

Defendant.

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**ORDER**

Citing 28 U.S.C. § 455(a), the government asserts that this court must be removed from the instant case based upon an appearance of impropriety. The government twice petitioned the court to recuse itself on this basis and the court twice denied the request. Unhappy with the court's conclusion that recusal is neither appropriate or required, the government now pursues its argument in the Seventh Circuit Court of Appeals. Toward that end, the government filed a petition for a writ of mandamus seeking to have this court removed from the case. The government also filed a motion for a stay of further proceedings in this court pending the Seventh Circuit's decision on the petition. Most reluctantly, the court agrees that a stay is appropriate, not on the basis of this court finding a modicum of merit in the government's position, but, rather, to spare the taxpayers the cost of yet another trial in the interim, should the court of appeals ultimately adopt the position espoused by the government.

The court will not rehash the regrettable, indeed deplorable, procedural history of the case or revisit its arguments regarding recusal. However, the court believes it worthy to note that the defendant, Rashid Abdullah Salahuddin, opposes any stay of the proceedings, submitting that "his custodial status and the age of this case weigh against granting the requested stay." (D.'s Response, Docket #122). Moreover, the government waited until the eve of trial to make its request, despite the fact that the court denied its motion for reconsideration more than one month ago and first announced its stance on recusal more than four months ago. Nevertheless, despite the defendant's objection, a stay appears to be prudent.

Accordingly,

**IT IS ORDERED** that the government's motion to stay further proceedings, including the trial scheduled for May 19, 2009, (Docket #120) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 14th day of May, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge